

WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT

MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT

PURPOSE

Affected employers may be required to provide advance notice to the workers, the State Dislocated Worker Unit and local authorities of plant closings or layoffs that may affect 50 or more employees.

AUTHORIZATION

Worker Adjustment and Retraining Notification Act Public Law No. 100-379 (S.2527)

HOW THE PROGRAM WORKS

1. Employer must give sixty days notice of:
 - ?? A plant closing that results in employment loss of 50 or more employees at a site of employment.
 - ?? A layoff of more than 6 months that results in:
 - a) Employment loss of 50 or more employees if 33 percent of the workforce at a site of employment is affected;
 - b) Employment loss of 500 or more employees, whether or not 33 percent of the workforce is affected.
 2. Employers with fewer than 100 full time employees are not covered by this act.
 3. Only employees, who have worked for the employer for at least six months and a minimum of 20 hours per week, are included in calculating the number of employees who have experienced an employment loss.
 4. An employer shall not order a plant closing or mass layoff until the end of the 60-day period after the employer serves written notice of such an order:
 - ?? To each union representative of the affected employees as of the time of the notice or, if there is no such representative at that time, to each affected employee, and
 - ?? To the State Dislocated Worker Unit and the chief elected official of the unit or local government within which such closing or layoff is to occur.
- If there is more than one such unit, the unit of local government which the employer shall notify is the unit of local government to which the employer pays the highest taxes for the year preceding the year for which the determination is made.
5. Exceptions to the notice requirement are provided for:
 - ?? Unforeseeable business circumstances;
 - ?? Faltering companies;
 - ?? Closure or layoffs from temporary projects or undertakings where the employees knew at the time of hiring that their work was temporary; and
 - ?? Case's in which the closing or layoff constitutes a strike or a lockout that is not designed to avoid the requirements of the Act.
 6. Remedies for violation of the notice requirement are limited to those specified in the statute:
 - ?? The employer is liable to employees who should have, but did not receive, notice. Damages are equivalent to a day's pay and the cost of related fringe benefits for up to sixty days that the notice should have been but was not given;
 - ?? The employer is liable to the local unit of government for up to \$500/day for each day of the sixty-day period that the notice was not given, to a maximum of \$30,000. The employer is relieved of this liability to the community if it satisfies its liability to the employees expeditiously.
 - ?? A person seeking to enforce such liability, including a representative of employees or a unit of local government aggrieved as outlined above, may sue either for such person or for other persons similarly situated, or both, in any district court of the United

States for any district in which the violation is alleged to have occurred, or in which the employer transacts business.

of Workforce Development location, consult your telephone directory under State Government or visit:
www.ecodev.state.mo.us/wfd.

SPECIAL PROGRAM REQUIREMENTS

The Missouri Division of Workforce Development is the states Dislocated Worker Unit (DWU) to contact for assistance in the event of a plant closing or layoff. Depending upon the number of employees laid off the states division of DWU or the local WIA Career Center staff coordinates a Rapid Response Team to offer fast and effective assistance.

CONTACT

Missouri Division of Workforce Development
P.O. Box 1087
Jefferson City, Missouri 65102-1087
Phone: 800-877-8698
Website: www.ecodev.state.mo.us/wfd/

OTHER SERVICES OF DED

DED REGIONAL OFFICES

St. Louis (314) 340-6823
Kansas City (816) 889-2900
Trenton (660) 359-5960
Springfield (417) 888-4001
Moberly (660) 269-8802
Dexter (573) 624-9950
Houston (417) 967-5770
Jefferson City (573) 751-0482

RELAY MISSOURI SERVICE

Voice user calling a hearing/speech impaired user:
800-735-2466.
Hearing/Speech impaired user calling a voice user: 800-735-2966

EMPLOYMENT ASSISTANCE

DED's Division of Workforce Development works in collaboration with its one-stop career system partners to offer workforce development assistance to job seekers and employers. By using the State's network of one-stop career centers, customers can access America's Job Bank, seek referral and placement assistance, career counseling and testing, labor market information and use Missouri WORKS!, an Internet based, self-service workforce development tool. To find your nearest Division